



# FINAL REPORT

2003-2004 SISKIYOU COUNTY GRAND JURY

SISKIYOU COUNTY GRAND JURY

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**SISKIYOU COUNTY GRAND JURY**  
**PO BOX 488**  
**YREKA, CALIFORNIA 96097**

**JUNE 30, 2004**

Citizens of Siskiyou County:

The 2003/2004 Siskiyou County Grand Jury has completed its term as of today. As Foreperson of the Grand Jury I would like to take this opportunity to publicly thank the Grand Jury members for their diligence and commitment in serving the people of Siskiyou County this past year. Without concerned citizens willing to put in the time demanded of a Grand Juror, County Government would not be well served.

Grand juries in California are a watchdog for the citizenry on County Government operations. Our input is helpful to County officials in many cases because information developed from our reports allows them to take action before issues develop to a crisis point. Grand Juries also serve as a safety valve by giving citizens a venue to express their displeasure with various aspects of their government. Because of citizen complaints to Grand Juries, county departments are often able to work more effectively in serving the public after becoming aware of perceived shortcomings.

We hereby offer our public report on Siskiyou County Government to the people of Siskiyou County.

Sincerely,  
Robert D. Cameron  
Foreperson  
Siskiyou County Grand Jury

## MEMBERS OF 2003/2004 SISKIYOU COUNTY GRAND JURY

### **FOREPERSON:**

Robert D. Cameron, Montague

### **GOVERNMENT COMMITTEE:**

#### **Chairperson**

Darrel Todd, Dorris

Harold (Hal) Bowman, Dunsmuir

Ron Hitchcock, McCloud

Paul W. Kirchoff, Yreka

Howard Bartley, Montague

Jack Simpson, Mt. Shasta

### **HEALTH, EDUCATION AND WELFARE COMMITTEE:**

#### **Chairperson**

Janet Conaughton, McCloud

Patricia Ferguson, Gazelle

Carol Fowler, Weed

William Levis, Yreka

Sally Ostrowski, Yreka

Louise Miller, Yreka

### **LAW COMMITTEE:**

#### **Chairperson**

Ed Fawaz, Yreka

Kathryn Bertlin, Seiad Valley

Dan Denis, Lake Shastina

Theresa Newby, Mt. Shasta

Leslie Wilde, Mt. Shasta

### **EDITING COMMITTEE**

**Chairperson** Paul W. Kirchoff

Members; Theresa Newby, Sally Ostrowski, Kathryn Bertlin, Robert D. Cameron

### **SERVING PARTIAL GRAND JURY TERMS WERE:**

Percetta Speight-Marrs, Mt. Shasta, Lindy Pease, Yreka, Mary Nesheim, Weed and

Bob Waldren, McCloud

## **COMPLAINT ALCOHOL & DRUG DIVISION OF BEHAVIORAL HEALTH SERVICES**

### **Background:**

The Grand Jury received a complaint from a citizen regarding improper use of dedicated State and Federal Alcohol and Other Drug (AOD) funding.

### **The complaint alleges that:**

1. Excessive dollars are being diverted from mandated programs within the AOD Program to underwrite fixed administrative expense related to other Behavioral Health Services (BHS) departments.
2. Program mandated dollars are being used to pay excessive space allocation, maintenance and administrative expenses.
3. AOD dollars are being used to fund a newly created Access Team whose task is to manage intake and referral of clients. (AOD staff feels it is more efficient and less costly for them to handle intake directly).
4. Mandated AOD programs are being neglected due to loss of funds and staffing.

### **Investigation:**

1. In addition to the complainant, Committee members met with the Behavioral Health Director, the County Auditor, the AOD Systems Administrator, and Counselors and Staff. Various other BHS supervisors were also interviewed.
2. After obtaining clearance from the BHS Director and written approval of clients,

several committee members spent an entire day in the AOD department. They were present during counseling sessions with individual clients. In addition, committee members observed both Summit and Next Step group sessions. Committee members were able to interact with both counselors and clients and gained first hand insight into these programs and how they work.

3. The Grand Jury HEW Committee attended a regular weekly staff meeting of the Summit team. All available counselors and the Proposition-36 (PROP-36) Probation Officer attend these meetings.

4. The Committee spoke with officers of the court and the PROP-36 appointed probation officer.

#### **FINDINGS:**

1. The Summit (PROP-36) Program falls under the Substance Abuse and Crime Prevention Act, which was passed by the voters of California on November 7, 2000. This AOD program, which allows first and second time, non-violent, simple drug offenders the opportunity to receive Substance Abuse Treatment instead of incarceration, was implemented on July 1, 2001. This is a five-year program, which is scheduled to expire on July 1, 2006. State funding for this program is provided to various participating counties, with unused funds being carried over to subsequent fiscal years. The program covers both male and female AOD clients.

2. The Next Step/Perinatal Program was established in 1993 with a target clientele of women (with children from birth to age 17) who are either, (a) pregnant and substance using, or (b) parenting and substance using. The program provides access

to primary medical and pediatric care and transportation to and from the recovery site, if needed. The program also mandates on site childcare for children of clients from birth to age three years. Medical care for clients must come from other health insurance, if available, before Perinatal funds can be used. County general funds cannot be used for this program.

3. Guidelines for both Summit and Next Step are very specific. Clients are required to attend four (4) weekly group meetings plus one (1) individual counseling meeting each week. In addition, Summit participants are required to attend at least three (3) Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings each week. The unit secretary must verify attendance. After completing the initial series of eighty meetings, each client must attend a weekly "Relapse Meeting" for an additional ninety (90) days.

4. Both Summit and Next Step groups are "Clean and Sober" programs and random testing is conducted at every meeting.

5. The PROP-36 Probation Office is responsible to the court for reporting on all PROP-36 clients.

6. One AOD Counselor is assigned strictly to the Juvenile Division. This counselor attends Juvenile court each week in addition to counseling all juvenile clients. The Juvenile counselor also meets regularly with parents of clients. This counselor was recently overseeing twenty-five clients in the Relapse Prevention aftercare program.

7. Each AOD Counselor, in addition to counseling duties, attends court at least one day a week. This duty includes Family Court, Juvenile Court, Adult Court and PROP-36 Court. Counselors must meet with judges and attorneys prior to each court session. Most court

appearances take one or two hours, however, the PROP-36 Court normally takes most of an entire day.

8. In addition, all counselors are available for emergency calls from various courts and make every effort to see cases referred by court and parole/probation officers in emergency situations.

9. Counselors are required to create weekly contracts, which outline what the counselor expects and client agrees to accomplish during the coming meetings. While some clients have several contracts outstanding at any given time, each client has at least one contract per week to complete.

10. Counselors also present group lectures for various programs. On occasion, speakers from other departments, as well as public entities, are utilized as guest lecturers/speakers.

11. BHS contracts with a data processing service (Kingsview) to process Medi-Cal claims billing and reporting.

12. Centralization of the various departments into the Behavioral Health Building resulted in a substantial increase in fixed expense for the AOD Programs: Annual rent increased fourfold (from \$12,000 to \$50,000). This increased administrative expense, coupled with County budget restrictions, necessitated staff reductions and severely cut dollars available for contractual program obligations. Remaining employees are coping with a significant overload.

13. Various witnesses stated that dollars received from Federal and State sources to fund SPECIFIC AOD programs were being used for other purposes.

14. There is no Detoxification Center in Siskiyou County. County Drug and Alcohol



day to day.

18. Vacations, illness, injury, sick leave and other emergency situations within AOD have resulted in onsite counselors having to assume additional caseloads during absence of co-workers. This situation also prevents bringing new clients into various programs during extended absence of counselors. Regardless of caseload, counselors must update individual files of each and every client seen in a given day. This applies whether clients are seen individually, in group session, or in court.

19. Some Grand Jury members received anonymous phone calls from people who identified themselves only as employees. These callers would not agree to be interviewed, even with the guarantee of confidentiality, because of “fear of reprisal,” confirming for the Jury that a less than constructive atmosphere prevails.

20. The committee found it extremely difficult to obtain financial information needed to assist in this investigation. A request for this type of information would often be met with agreement one day and denial the next. While committee members had free access to most staff, access was denied when seeking to interview members of the Fiscal Department. We were advised that any questions for these employees should be directed to the County Auditor, who supervises this department. On two different occasions we were advised to “get a subpoena” if we wanted the information. Committee members were granted a “walk through” of the BHS Fiscal Department with the stipulation that the Department Supervisor would conduct the tour and that only general questions were to be asked of these employees.

21. Counselors are charged with random urine tests of clients. This sampling is gender-specific and often a problem since testing requires a counselor to be present when the

clients, in the past, were sent to the Redding Detoxification Center when necessary. Current direction from BHS management forbids use of this center, creating a significant problem in dealing with some clients.

15. Alcohol and Drug Programs are governed by Welfare and Institutional Code Guidelines, while Mental Health Programs have a totally different set of legal guidelines. Most non-AOD clients are serviced by BHS, for which Medi-Cal is billed. PROP-36 and most AOD clients are not eligible for Medi-Cal treatment. In addition, Mental Health clients are normally served by a five-year program while AOD treatment can take up to ten years of assistance before a client is able to successfully re-enter society as a contributing citizen.

16. The current BHS administrative structure combines Mental Health and AOD, creating both budgetary and client service difficulties. For example: current BHS procedures require that all patients must first see an Access Team member, completing intake and financial eligibility forms before being referred to various departments for assistance. This is a hindrance for AOD clients, (for whom in any case, Medi-Cal claims cannot be submitted), especially if they come in “under the influence,” and are in need of immediate care.

17. The group meeting room for the Summit Program is small and inadequate. The Next Step meeting room is even smaller despite the fact that it also contains a dining area and a full kitchen setup for preparing client meals each day. Both rooms are located on the second floor in the interior of the building. As a result, there are no windows and the heating/cooling/ventilation system is less than satisfactory. Rooms are extremely hot and uncomfortable during summer months and food odors linger in the Next Step area from

sample is given. With only one male counselor on staff, this can present a problem.

22. The AOD department pays for a large percentage of the Kingsview data contract despite testimony that this department, which cannot make claims against Medi-Cal, seldom uses it.

23. There appears to be much dissension and disagreement between the BHS Director and the AOD System Administrator on many matters including the number of clients the department is serving, distribution of AOD Dollars to BHS, manner and methods of serving clients, and staffing allocation. AOD staff has been reduced to ten (10) from a prior high of seventeen (17) staff members.

24. In looking over the final budget for this program, there appears to be a number of questionable charges to the AOD department. For example: The department contributes \$24,009 to the Kingsview data processing contract plus an additional \$7,536 in data processing charges, though AOD can make no claims against the Medi-Cal Program. We also noted the transfer of AOD funds in the amount of \$151,804 for a Case Management System (Access Team) and \$145,913 for Administration. These figures seem a bit high to the Grand Jury for a department consisting of ten staff.

25. We noted a budget notation of \$91,943 for transportation to be covered by "Realignment dollars." It is the Grand Jury's understanding that Realignment dollars are not normally used for AOD.

26. There are zero training dollars allocated to AOD. Management declined a recent request for three department members to attend the Annual PROP-36 seminar.

27. The AOD department has little, if any, direct input into its own final budget figures.

28. Both the BHS Director and the County Auditor have been invited to spend time in this department to get an understanding of how the various programs work and how counselors function. Testimony indicates that neither has responded to the invitation as of March 2004.

29. AOD current policy does not allow for "Dual Diagnosis" treatment. This means, for example, a client who is taking medication for Bi-Polar problems could not be treated for alcohol and/or drug problems since these programs require a client to be "clean and sober."

### **CONCLUSIONS:**

1. There appears to the Grand Jury to be a definite lack of communication, cooperation, and professional respect between the various management entities involved with this department.
2. As a result, morale appears to be very low, and workers are feeling devalued and unable to provide services to the clients they are charged with serving. The Grand Jury observes that neither side seems interested in making concessions or cooperating with the other. Program dollars are apparently moved without consideration of the effect on both counselors and clients. Budgets and staffing are not determined by those involved, rather by others who may be unfamiliar with the intricacies of the programs and State and Federal mandates.
3. Counselors feel "left out of the loop" and singled out for harassment when trying to do the very best job they can under the circumstances. The dedication of this staff is readily apparent and the rapport between counselors and clients is excellent. Replacing this type

of help would be extremely difficult to do since they bring, not only impressive credentials, but also a “been there, done that” experience to the program.

#### **RECOMMENDATIONS:**

1. Conflicts among the Behavioral Health Director, Fiscal Management and AOD with respect to staffing needs might be resolved if the former were to spend time with the various programs and groups in the AOD department. The Grand Jury believes that the workload supports the need for additional counselors and clerical assistance.
2. The AOD section needs a paid Program Supervisor for the Summit and Next-Step Programs.
3. A larger Summit Group Meeting room is needed in order to accommodate the normal client load.
4. Upgrade the heating/cooling/ventilation in the Next-Step meeting room in order to provide better airflow and remove food and cooking odors.
5. Consideration should be given to the restructuring of Access Team procedures to allow AOD clients direct access to counselors, especially on an emergency basis.
6. Program managers in this department should have input into the budget process and accountability for mandated programs in their specific area.
7. The department’s share of Kingsview and Data Processing expenses should reflect the fact that AOD requires no billing for services. Formulas used to determine this department’s “share of costs” do not appear to be justifiable, particularly when funds used for this purpose are cutting so severely into program budgets that contractual

requirements cannot be met.

8. Provide a source of “Backup Counselors” on a part-time, as-needed basis in order to have qualified counselors available for emergency use.

9. Consider removing restrictions on utilizing the Redding Detoxification Center and/or establishment of a local detoxification unit.

10. Consider implementing “Dual Eligibility” programs (simultaneous treatment under more than one AOD program at a time) in order to provide accessible services for both genders and dual abuse problems of clients.

11. Due to the lack of fiscal cooperation an audit of this department by a totally independent and impartial auditing firm is recommended.

**Response Requested:**

The County Administrative Officer and the County Board of Supervisors are requested to respond to this report as per Sec. 933.05(a) PC.

## **COMPLAINT: CITY OF DUNSMUIR**

### **BACKGROUND**

On July 21, 2003, the 2003-2004 Siskiyou County Grand Jury received a complaint from two elected officials of the City of Dunsmuir. The complaint regarded the conduct of city business, an apparent lack of respect for due process, violations of city ordinances, and violations of the Brown Act. The complaint can best be illustrated by breaking it down to the following eight points:

1. A City of Dunsmuir ordinance was violated when a sitting Councilman was appointed as Temporary City Manager.
2. The Code Enforcement Officer was appointed as City Manager without verification of his qualifications.
3. Possible Brown Act violations occurred when three of the Councilmen instructed the City Manager as to his duties.
4. An office worker was appointed to the elected position of Dunsmuir City Clerk without verification of qualifications.
5. A Councilman was appointed as the 'Chief Negotiator' although this is normally the duty of the City Manager.
6. A citizen request written to the City of Dunsmuir regarding the purchase of currently leased properties was denied in closed session without ever hearing from the citizen.
7. Three of the Councilmen were accused of meeting privately in the office of the City Manager. This could be construed as a violation of the Brown Act.
8. Inappropriate descriptions and language were used in referring to the Dunsmuir city codes and ordinances and the City Manager.

The complainant delivered copies of this complaint to the Siskiyou County District Attorney, the Siskiyou County Board of Supervisors, the Fair Political Practices Commission, and the California State

Attorney General. At the time of the 2003-2004 Siskiyou County Grand Jury investigation, the Siskiyou County District Attorney and the Fair Political Practices Commission had both returned the complaint without the possibility of further inquiry. However, the California State Attorney General returned with the proposal to investigate barring the investigation of the District Attorney.

## **FINDINGS**

1. At the Dunsmuir City Council meeting on October 18, 2000, after negotiations with the Siskiyou County Sheriff's Office were determined to be unsatisfactory, the Council passed resolution #2000-49, which appointed the City Manager as Interim Chief of Police with the authority to hire a Police Chief and staff. The Council also passed resolution #2000-52, which authorized the Interim Chief of Police to purchase 'high tech equipment' for airport security. The City Manager and the Airport Manager then proceeded to engage in public safety courses to qualify in using such equipment.
2. Shortly thereafter, a contract with the Siskiyou County Sheriff's Office to provide law enforcement service to the City of Dunsmuir was worked out. On March 18, 2002, the City Manager wrote the Council with a request to be relieved of the position of Interim Chief of Police. The Council did not approve the request, as a public safety plan for the airport was not complete. On May 24, 2003, the Siskiyou County Sheriff filed an affidavit for a search warrant with the Superior Court to search the homes of the City Manager and the Airport Manager, looking for illegal weapons. The searches were conducted at night while the City Manager and the Airport Manager were attending public safety training. During the searches the 'high tech equipment' for the airport security, including two MP5 machine guns, were confiscated. Subsequently, the City Manager and the Airport Manager filed a lawsuit against the City of Dunsmuir and the Siskiyou County Sheriff's Office. The case was ongoing during the 2003-2004 Siskiyou County Grand Jury's investigation.
3. At the November 22, 2002 meeting of the Dunsmuir City Council, in closed session, the Council and the City Manager reached a mutual agreement to terminate their relationship. The Council then appointed one of the Council members to the position of Temporary City Manager, a violation of the



Dunsmuir City Code. Approximately one month later, the Code Enforcement Officer was appointed City Manager. In the summer of 2003, the Council changed the City Codes to revise the position of City Manager, effectively transforming the position to that of a City Administrator. Shortly thereafter, the City Administrator resigned and the City Clerk was appointed City Administrator with a temporary consultant to advise upon the position.

4. The complaint regarding the City of Dunsmuir was received on July 21, 2003, and reviewed by the 2003-2004 Siskiyou County Grand Jury Government Committee. After further investigation, the complaint was found to encompass all aspects of city business. As such, the complaint was changed to the status of a 'Watch Dog' allowing for full investigation of the City of Dunsmuir, as well as a starting point for the 2004-2005 Grand Jury to continue possible investigations of the City.

5. The Grand Jury discovered some minor infractions of city code by the City Council. Most violations were acts, which benefited the city and were arguably necessary to continue the day-to-day business of the City of Dunsmuir.

6. The Grand Jury also found some ambiguities regarding the specifics of city codes, job descriptions, and functions. The Grand Jury discovered a resolution was passed by the Council at one meeting and then repealed at the next meeting due to its violating an already existing City Ordinance.

7. The complainant specifically cited violations of the Brown Act. However, no proof was offered. The Grand Jury found no evidence of Brown Act violations, and does not believe any willing violations were committed by any city employee or elected official.

8. The complainant also cited disorderly meetings of the Dunsmuir City Council. Although this problem seems to have remedied itself in recent meetings, there was evidence that the council did not follow any standard protocols. It is not required of the Dunsmuir City Council to adopt meeting protocols such as Robert's Rules of Order, but the Grand Jury did find the meetings to be somewhat disorderly and often did not conclude within the anticipated time frame.

9. Possible conflicts of interest were also brought to the Grand Jury's attention. However, throughout

the entire investigation, the Grand Jury found no conflicts of interest, and found all of the Dunsmuir City Councilmen to be fulfilling their positions with the utmost respect for the City and the Government.

## **CONCLUSIONS**

1. The Grand Jury appreciates the cooperative effort of the City of Dunsmuir in submitting to the investigation. Throughout the investigation, the Grand Jury has found no criminal activity to refer to the Siskiyou County District Attorney, and has found no civil violations that fall within the jurisdiction of the Grand Jury.
2. The Grand Jury does not condone violation of city codes or applicable law and urges the Dunsmuir City Council to review and follow the codes that govern their entity and seek advice of counsel to help ensure compliance with applicable law.

## **RECOMMENDATIONS**

The Grand Jury feels the following recommendations would be beneficial for the citizens and government of the

City of Dunsmuir:

1. The City Council should make every effort to ensure that the Council does not violate any city codes, ordinances or state and federal laws.
2. All members of the city government (employees and elected officials) should review the Brown Act as well as the laws that govern city business to ensure that no violations occur.
3. The City Council should adopt a set of standard meeting protocols, such as Robert's Rules of Order, to ensure that meetings are run appropriately and timely.
4. The City Council should update and review the job descriptions of the city employees and elected officials to ensure understanding of responsibilities.

## **COMMENDATIONS**

The Grand Jury has reviewed all aspects of the City of Dunsmuir and has found the following areas in

which the city is excelling and deserves commendation.

1. Appointing a City Administrator and a consultant to ensure the success of the City Administrator.
2. Appointing a City Council member as Chief Negotiator to avoid conflicts with the City Manager, and to ensure orderly business.
3. The Grand Jury thanks the Dunsmuir City Council and the citizens of Dunsmuir for their cooperation throughout this investigation.
4. The Siskiyou County Grand Jury thanks the Dunsmuir City Council and city employees for serving and caring for their community.

### **REQUEST FOR RESPONSE**

The Dunsmuir City Council is requested to respond to this report pursuant to section 933.05(a) of the California Penal Code.

## **COMPLAINT: DISTRICT ATTORNEY'S OFFICE**

### **BACKGROUND:**

The Grand Jury received a complaint from a citizen alleging that the Siskiyou County District Attorney Office has a pattern of overcharging citizen's accused of crimes. The complaint further alleges that when citizens go to the District Attorney's Office to complain about unfair treatment at the hands of the office they are not listened to or given any advice on how to rectify their particular situation. In addition, the complaint alleges that the District Attorney's Office wastes tax-payers money by vindictively pursuing dead end charges against some citizens, later dropping the charges while not prosecuting other deserving criminals. Certain hiring practices within the District Attorney's Office were questioned in the complaint.

### **INVESTIGATION:**

The Grand jury interviewed the complainant, received documents and videotape from the complainant and documents from other persons interviewed. The Grand Jury also interviewed top law enforcement officials, top management in the District Attorney's Office and respected members of the local legal defense bar.

During the interview process, in addition to seeking evidence and facts to prove or disprove the allegations, we developed a scenario that included a list of various charges that could be considered against a suspect who was arrested following a series of unlawful criminal actions. We asked all persons interviewed which crimes alleged on this rather extensive list should be initially brought against the suspect assuming that the person we were interviewing was in fact the District Attorney responsible for

bringing the charges to a court.

**FINDINGS:**

1. Not everyone agrees with all decisions made in the District Attorney's Office.
2. The Siskiyou County District Attorney uses standard guidelines provided by the State of California to all District Attorney Offices statewide in prosecuting cases. These guidelines are subject to local prosecutorial discretion.
3. Members of the legal community and law enforcement generally hold the District Attorney's Office in high esteem.
4. This District Attorney's Office does not prosecute cases any differently than District Attorney Offices throughout California. The legal system is set up to operate for the greater good of all citizens of the State.
5. In the scenario we presented, all interviewees, including the complainant, were in agreement that all or nearly all of the charges should initially be brought to bear against the suspect by a competent District Attorney and to do less would be evidence of dereliction of duty.
6. The Grand Jury found no evidence of illegal or unethical hiring practices within the District Attorney's Office. In fact, most of the interviewees, with the exception of the complainant felt that the District Attorney's Office is staffed with professionals who are good at their jobs. Some members of the defense bar did take professional exception with some decisions made that were not in the best interests of their client.
7. No evidence other than anecdotal was brought forward to show any vindictiveness

or maliciousness in prosecuting cases by the District Attorney's Office.

**CONCLUSIONS:**

1. The Grand Jury found no evidence to substantiate the allegations within the complaint. The Grand Jury believes that the District Attorney's Office operates in a manner consistent with District Attorney Offices elsewhere within the State and that no District Attorney will ever be able to satisfy all of the people all of the time.

2. The Grand jury further concludes that the proper forum to take issue with the District Attorney's Office in matters such as this is through the State Attorney General's Office or at the ballot box.

**RECOMMENDATIONS:**

The District Attorney is requested to respond to this report as per 933.05 Penal Code.

## **COMPLAINT: CITY OF DORRIS**

### **Background:**

The City of Dorris applies for and receives grant money from the State of California to be used for economic development in the City. To receive an Economic Development Block Grant (EDBG), a person first has to apply for the grant. The application is then sent to Great Northern Corporation, which oversees and administers the grant for the City. After getting the approval from Great Northern, the application is then sent to the EDBG loan committee for review and approval. There are guidelines to follow in determining whether or not the applicant qualifies for the loan.

A citizen of Dorris read in the newspaper that a City of Dorris councilperson had recently purchased a business in Dorris. The citizen believes the current owner of the business has an EDBG loan. It was the citizen's understanding that a councilperson cannot apply for or receive an EDBG loan until said person has been off the city council for one year. If this is true, the citizen was disturbed that the councilperson was able to get an EDBG loan.

### **Findings:**

Although there had been an article in the newspaper indicating the business has been purchased by a councilperson, there is nothing in writing to support this. The business license is still under a name other than the councilperson and no applications have been made to assume an EDBG loan or to receive an EDBG loan. As far as the City of Dorris is concerned, the business is still owned by the current owner, and not the councilperson.

There was disagreement between the state representative and the representative from Great Northern Corporation in regards to whether or not a city councilperson can receive an EDBG loan while still on the city council. The state representative stated there is nothing to prevent a councilperson from applying for a loan as long as the person follows the same rules and guidelines as everyone else. The Great Northern representative said there is a rule prohibiting a councilperson from receiving a loan until

one year after being off the council. Both agreed that there is nothing to prevent a councilperson from assuming an EDBG loan.

**Conclusions:**

At this time, the city councilperson has not applied for nor received an EDBG loan.

**Recommendation:**

Case closed, no response required.



## **WATCHDOG: CHILD PROTECTIVE SERVICES**

### **BACKGROUND:**

Last year's Grand Jury recommended that CPS adopt a formal complaint process that would afford citizen's an opportunity to register concerns through internal CPS channels. The plan also calls for an extra-departmental Standing Review Board to act as an appellant body. The appeal panel would be comprised of 10 members, including a non-voting Grand Juror, and would be charged with monitoring the integrity of the entire complaint process. It is necessary, the Grand Jury feels, to provide assurance in this way to those who have registered a fear of retribution from CPS if they were to complain openly.

One complaint received this year by the Grand Jury was investigated by the Law and the Health Education and Welfare Committees primarily through a review of CPS and public court records. Files reviewed spanned a time period in excess of a decade.

### **OBSERVATIONS:**

- 1) Early indications are that the formal review process will be helpful to citizens and to CPS in identifying and redressing concerns. The Grand Jury, with the consent of this year's first complainant, monitored and tracked the grievance through the emerging system. Following a meeting with the CPS Director, the complainant reported that: 1) having an opportunity to air concerns and discuss them with CPS principals had been a healing process and 2) in this case, appeal would not be necessary.
- 2) Last year's Jury had proposed that the complaint review structure, including the impanelment of a Standing Review Board, be in place by August of 2003. While progress has been made, that structure remains incomplete.
- 3) In response to a complaint, the Jury reviewed a single case record involving eight files, comprising an estimated two and one-half feet of material. That review led to the following observations:

- A) Over the 10+ years of CPS relationship to this case, a series of social workers have been assigned principal responsibility. It was our impression that as the record grew, the sheer preponderance of the material may have had the effect of coloring perceptions of staff.
- B) This being the single instance of a review of a file of this magnitude, we cannot speak to other cases. We can unequivocally state that this particular file was extremely difficult to follow, there being no particular chronological or other order we could discern. That fact in itself would be daunting to a new worker assigned the file. We felt that it would be fairly easy to lose the essential facts of this case, if the entire file were not reviewed and outlined, as we attempted to do.

**FINDINGS:**

- 1) With respect to the emerging formal review process and the initial case entering that system, we believe the new system will be a constructive one. We do also believe, however, that given the fear of retribution held by some potential complainants, the system will not work without a Standing Review Board in place, to function not only as an extra-departmental appeal panel, but as a watchdog over the grievance process as a whole.
- 2) With respect to the single case record review, we find:
  - A) The essential facts of the case involve detention of the children by CPS sporadically for a period of a few days to most recently, a period exceeding a year and a half.
  - B) Early detentions in the period under review were the result of factors beyond CPS control. The record shows a series of arrests of the parent, based upon complaints from individuals engaged with the parent in a property dispute. The property controversy was eventually settled in the parent's favor. In the meantime, however, a series of complaints resulted in arrest, and therefore the "absence of caretaker" requiring CPS intervention.
  - C) In a particularly egregious instance, the frustrated parent confronted a police officer

who, owing to the parent's agitation and slurred speech (a physical impediment) presumed drunkenness. Further, in the process of the parent's pulling over to park, the officer thought the accused was attempting to hit him. The parent was charged with drunkenness and assault on a police officer. The parent demanded a breath test; the officer refused, records indicate, because of the parent's manifest aggression. Front page headlines and a four column spread in a local paper reported the arrest and related charges. The parent was declared a "threat to the community." The parent was booked and the children remanded to CPS care. All criminal charges were subsequently dropped.

D) The "lore" regarding the parent is constructed of such events. Increasingly, the agitated behavior is seen as bizarre (but perhaps understandable, to those familiar with the apparently spiteful series of arrests, which account for the initial detention of the children). In support of the use of the word "spiteful," it should be mentioned that neighbors supporting the parent, report evidence of blatant bigotry on the part of the complainants. For example, the chief complainants, within hearing of the children, referred to them by using racial slurs.

E) In the early period of frequent, short-term arrests, there are several notes from social workers visiting the home in response to various complaints. On these occasions, complaints were found to be unwarranted and according to reports reviewed by the Grand Jury were "probably" coming from a "disgruntled neighbor."

F) In a reverse "halo effect," the sheer burden and preponderance of these arrests seemed to snowball into an extremely negative perception of this parent, who rails against the penal and child protective system with some righteous anger and increasing rage.

G) Beyond the arrests, which CPS must address by assuring that the children are cared for in the absence of the parent, *we could find in the record, no evidence of any physical or emotional harm at the hands of the parent.* On the contrary, the preponderance of the

opinions offered by the numerous expert consultants in file note the parent's love for, and appropriate care of, the children. The file is also replete with statements and affidavits from neighbors, ministers, and others urging that the children be returned to their home.

***H) Finally, and we feel of overriding importance, is the fact that after an extended period out of the home and in foster care, the children are suffering at the hands of the system, having been diagnosed with Post-Traumatic Stress Disorder, depression, sleep disorders, and more, all of which are being treated with pharmaceuticals. The youngest has bowel and bladder incontinence, along with all of the above, and has had significant weight loss. There is no evidence in file that any of these conditions were present in their home, before detention.***

#### **CONCLUSIONS AND RECOMMENDATIONS:**

- 1) With respect to the case reviewed this year by the Grand Jury, we urge officials within CPS to continue to consider whether at some point the children can be returned to their home in the best interest of their health and welfare. We anticipate the need for counseling to help in the healing process of these children and their beleaguered parents.
- 2) With respect to the development of the Standing Review Board, we look forward to the installation of the Standing Review Panel and its ongoing oversight of the new grievance process.

## **WATCHDOG: DISTRICT ATTORNEY'S OFFICE**

The Grand Jury (GJ) conducted a Watchdog evaluation of the Siskiyou County District Attorney's Office (DA). A Watchdog was done years ago but not all employees were interviewed. We met with twenty-five (25) employees and the DA. Interviews were conducted in October 2003. Within this office are four separate units: The legal support staff; victim witness; investigators; and the deputy district attorneys, each with different duties and assignments.

### **A. THE DISTRICT ATTORNEY:**

The District Attorney (DA) is an elected constitutional officer. The DA is in his fourth term of office, starting his 13<sup>th</sup> year. The DA's ultimate supervisor is the California State Attorney General.

### **B. THE ASSISTANT DISTRICT ATTORNEY:**

The Assistant District Attorney (ADA) is an appointed position. The ADA has held this position for approximately two years. The ADA's immediate supervisor is the District Attorney.

### **C. THE DISTRICT ATTORNEY ADMINISTRATOR:**

The District Attorney Administrator (DAA) is a non-sworn civilian position. The current DAA has held this position for approximately three to four years. The DAA's immediate supervisor is the ADA.

### **D. THE DEPUTY DISTRICT ATTORNEYS:**

There are seven Deputy District Attorneys (DDA). Their immediate supervisor is the ADA. The range of seniority for this unit is 2+ years to 13+ years of service.

### **E. THE DISTRICT ATTORNEY INVESTIGATORS:**

The District Attorney Investigators have one Chief DA Investigator who supervises four field investigators. The Chief reports to the DAA.

## **F. THE ADVOCATE / VICTIM WITNESS UNIT:**

The Advocate/Victim Witness unit consists of two supervisors who oversee four advocates. The two supervisors report to the DAA.

## **G. THE LEGAL SUPPORT STAFF:**

The Legal Support Staff consists of a Legal Office Coordinator (LOC) who supervises four legal secretaries. The Legal Office Coordinator reports to the DAA.

## **II. FINDINGS:**

1. It is the responsibility of the LOC to make job assignments, assist the DDAs and secretaries, assist in court cases, be involved in fiscal issues, interact on a limited basis with the general public, and to make sure the office flows smoothly and work is completed on time.
2. The legal secretaries have varied duties and assignments, including being responsible for all paper work associated with each case that comes through the office and interacting with the public, law enforcement, other units within this office and other agencies. They answer the phone, assist the public at the walk up window, and assume any task required to get the job done on time. The secretaries were found to be computer literate in performing their respective tasks, energetic, dedicated, and professional. The secretaries have the training and experience to cover the work of absent coworkers. It appears the legal staff functions efficiently and gets along on a daily basis.
3. An issue that was reiterated by a vast majority of employees of the DA's office is the lack of space within their respective offices. There are boxes containing case files stacked in hallways. The old case files are stored in a storage facility some distance away from the courthouse. If an old case file is needed, it requires someone leaving the office and driving to the storage facility to retrieve the file.
4. There is an inconsistency in annual evaluations within the different units. There are employees who have had annual evaluations since the time they were first hired; some employees have had some evaluations, but were not totally sure if it was every year; and some employees could not recall ever

having an evaluation.

5. Monthly meetings vary from unit to unit. Formerly, the legal staff held biweekly or monthly staff meetings to discuss issues. Legal staff meetings are no longer scheduled. It is felt by some that these meetings were beneficial and should be resumed in order to keep all employees current on what is happening in the office. The Advocate/Witness Unit has monthly meetings and more often if needed. Input is always welcomed and these meetings are informative. The District Attorney Investigators lack monthly meetings (time is a constraint) but the investigators generally feel that meetings should be held. The DDAs do not hold monthly meetings. More than one supervisor related that monthly meetings have tapered off but they hope to re-institute them.
6. There is a security concern regarding the employee bathroom facility. Employees must currently use a facility that is open to the general public.
7. The DA's office is humid and stuffy on warm days. The only relief is to open the main door for fresh air. This causes a definite security issue for the entire staff since it is the same door that a non-employee must be "buzzed" through.
8. The legal staff lost a position last year due to budget cuts, causing an increase in the workload for the secretaries. There is general agreement the position should be replaced to lessen the overload. An investigator's position was also cut in October 2003, increasing the workload for all investigators. The two welfare fraud investigators and the child abuse investigator are overworked due to high caseloads, leaving the chief and one investigator to handle all of the other investigations.
9. Ongoing educational and training opportunities are offered as the budget allows. The legal secretaries can attend on an as-needed basis. These classes should be offered to all staff members as their job tasks overlap. Education and ongoing training opportunities for the DA Investigators unit have been curtailed due to budget cuts.
10. Other employees within the DA's office agreed that the legal support staff is professional and definitely overworked.

11. There are two supervisors in the Advocate/Witness Unit. One spends about seventy percent of work time on fiscal issues (budget/grants). Both coordinate and oversee the daily operation of the unit.
12. The advocates interact with the public on a daily basis. They assist victims through the court process and in filing of paper work that is required. The advocates are on a case from the beginning to its conclusion.
13. Having two supervisors within the Advocate/Witness Unit has created an ongoing problem. When an advocate needs to consult a supervisor, confusion often arises.
14. All advocates function effectively and assist each other, resulting in good morale.
15. The advocates are dedicated, loyal to their jobs, and professional in their dealings with everyone with whom they come in contact. Employees from other units have nothing but praise for the work the advocates do.
16. Deputy District Attorneys rely on the advocates to assist them with assigned cases.
17. When a case is rejected by a DDA, the task of telling the victim is given to an advocate. The advocates are not always apprised of the reasons for this rejection. The advocates generally feel the DDA should handle these situations.
18. The Advocate/Witness Unit supervisor who spends most of the time on fiscal matters is actually doing the job of a Fiscal Officer.
19. It is perceived by some advocates that the Auditor's Office is moving budgeted money around without this unit being advised, occasionally hampering the job of the supervisor who is responsible for the fiscal matters.
20. There is concern that the supervisor who is in charge of the fiscal matters for the Advocate/ Witness Unit also does work for the DA's office. Funding for this unit, including salaries, is generated mostly from grants. Grant money has very clearly defined spending parameters.
21. The Grand Jury developed information that indicated confusion exists within the DA's office regarding the policy relative to filing charges on child abuse cases.



22. The salaries of the advocates are almost entirely funded by grants. There is partial grant funding for other units that work with the advocates.
23. The Chief DA Investigator is responsible for managing the daily operations of the investigator unit. He assigns cases, does field investigations, works closely with other units within the DA's office, interacts with the public on a limited basis, interacts with allied law enforcement agencies, and does whatever else is needed to get the job done.
24. The field DA investigators conduct follow-up investigations of cases submitted by allied law enforcement for prosecution. They interact with these agencies and the general public on a daily basis. One investigator is assigned to child abuse and sex crimes cases. This full time position is grant-funded. There are two full-time investigators assigned to the Welfare Fraud Unit. The Human Services Department pays their salaries.
25. The four field DA investigators have a good working relationship with their chief. They feel that they can talk to him on any subject and that he is always approachable and helpful.
26. We found a consensus among staff that there is a communications breakdown between top management and investigator units regarding policy and procedure on criminal case filings. The perception we were left with was that there is a lack of structure within this office with no real policy in place.
27. Some DA investigators have concerns that the DA does not support them. It is perceived that the DA wants to eliminate the investigator unit and that the DA is not law enforcement oriented.
28. There is a perception by some DA Investigators that the DA has a temper, takes things too personally and can be vindictive.
29. It is perceived by some of the DA Investigators that the ADA is running and handling the daily operations of the DA's office. The relationship with the ADA is good and he is supportive of the investigators.

30. The DA Investigators feel that when a DDA is assigned a case, that DDA should handle the case from start to finish, giving the DDA first-hand knowledge of the entire case.
31. The DDAs are responsible for the daily handling of the cases submitted to the DA's office. These cases include misdemeanors and felonies. The DDAs prepare cases for prosecution, interact with the public, assist the submitting case agency, and make themselves available to other units within the DA's office.
32. Certain DDAs are usually assigned cases dealing with certain and specific types of crimes. This way they can develop an expertise in the prosecution of these cases. If a DDA's caseload becomes too big, another DDA is assigned to ease the caseload.
33. The DDAs generally feel that the ADA is approachable, efficiently handles the daily operations of the office, has matured in his job over the last year or two, is a capable administrator, and is knowledgeable about the law.
34. There have been occasions where professional disagreements arise between some of the DDAs and the ADA over the handling of cases. These professional disagreements have been about plea bargains, criteria for the filing of cases, and handling cases out of job classification.
35. The DDAs relationship with the DA appears to be mostly good. The DA is perceived by many within the DA's office to be winding down his career.
36. It is perceived by some employees that the DA's office is "rudderless" and lacks direction.
37. The Grand Jury determined that salary and benefits are of great concern to the DDAs. We were shown specific examples relative to the professional staff being under paid in contrast to other County employees who are at the same level and do substantially similar work. Despite this situation the DDAs perform their duties in a professional manner.
38. The DAA is responsible for and oversees personnel issues and budget.
39. The DAAs' immediate supervisor is the ADA. The ADA is accessible, supportive and

knowledgeable, and can be counted on to assist whenever requested.

40. There is concern in the office about ongoing interference from the Auditor regarding fiscal and budget issues. Meetings with the Auditor and CAO continue in an effort to resolve these problems.

41. The DAA has not had a raise for several years. The DAA is now required to pay \$3.50 per day to drive a county car to and from work. Other county personnel, who drive their assigned county cars home, are not required to pay this amount. The car is needed as he is sometimes on call for rape or domestic violence cases. The DA has discussed this matter with the County Personnel Department and the Auditor.

42. For approximately the last three years, there have been ongoing problems in dealing with the Board of Supervisors, CAO, and the Auditor concerning fiscal matters.

43. The DAA has some interaction with the general public and assists the advocates as requested. He also interacts with and gives assistance to the other units within this department.

44. The ADA's responsibilities include the daily operations and management of the DA's office. He assigns and assists in handling cases, provides training for allied agencies, gives presentations at various schools and civic organizations, coordinates numerous other related duties and functions, and is always available.

45. The ADA interacts with the public and other units of the DA's office during the course of his duties, making himself available to assist in any way possible.

46. The Grand Jury was left with the general impression that a good professional relationship exists between the ADA and the DDAs.

47. The Grand Jury learned of serious concerns regarding the perception of micromanagement by the County Auditor revolving around DA fiscal issues. This perception has led to lowering of morale within the DA's office.

48. Similar concerns were expressed regarding the CAO.

49. We learned that, while the Board of Supervisors (BOS) is felt by staff to be generally supportive of law enforcement, they sometimes take actions, primarily fiscal, that are perceived as contrary to the good working order of the DA's office and administration of justice in general.

50. There is a perception within the professional staff of the DA's office that the BOS has not been supportive in efforts to gain pay parity with other similar County staff.

51. The DA's interaction with the other units in his department varies from unit to unit. He has minimal contact with the Victim/Witness Unit and the DA Investigators. His contact with the LOC is on a daily basis, and he interacts with the DDAs on a regular basis.

52. The Grand Jury learned that management within the DA's office is greatly concerned about the budget. There was no budget in place long past the time there should have been. Top management must have solid and timely fiscal information in order to administer a department. We were left with the impression that there has been political infighting among the DA, the Auditor, and the CAO that is not in the best interests of the Citizens of Siskiyou County.

53. The Grand Jury found that staff turnover is very low within the DA's office.

54. We found that the professional staff, top management, and administrative staff are generally confident in and supportive of the ADA.

55. There was a concern by some employees that promotions are not equitable and favoritism is involved.

### **III. CONCLUSIONS / RECOMMENDATIONS:**

1. The legal staff is overworked and one staff position short due to budget cuts. The staff is cross-trained to handle a vast majority of different assignments. The missing staff position should be replaced as soon as possible.

2. There is an obvious lack of space for all the case files generated in the DA's office. A storage facility located away from the courthouse is now being used to store files. The DA's staff should ascertain if there is a secure room that can be used to store these files and check with other courthouse

departments for space availability.

3. A security issue arises with the DA's main office door having to be left open for ventilation. Have the county maintenance department rectify this situation.
4. Re-institute biweekly or monthly meetings for all units within the DA's office. This will keep all employees current and provide an opportunity to discuss problems. The Grand Jury suggests that employees from other units attend as needed to discuss mutual items of concern.
5. Assure all units and supervisors follow the county code regarding employee evaluations.
6. Assure that when an opening occurs in a management position, all eligible employees are given the opportunity to apply.
7. There is a need to resolve the issue of having two office supervisors in the Advocate/Witness Unit. This unit was advised by the County Personnel Dept. that they would not be allowed to create, change, or add the job title of fiscal officer. The DA Administrator and the two supervisors should review the issue again. This unit should have one supervisor and one Fiscal Officer with their respective duties outlined so the advocates will clearly know whom to contact.
8. Changes to child abuse case policy should be addressed so everyone knows what the actual policy is. All the advocates, the DAA, and the ADA should meet as soon as possible to clarify this issue.
9. When a case is rejected by the DA's office, the DDA who rejected the filing should provide the advocate the reason for the rejection. This enables the advocate to give a detailed explanation to the victims as to why the case is not proceeding. Another option is for the rejecting DDA to explain to the victims as to why the case is not being filed.
10. The Advocate/Witness Unit relies heavily on grant money. The grants specify exactly how the funds shall be spent and dispersed. When an advocate is doing work for another unit, the advocate's unit should be reimbursed.
11. The Advocate/Witness Unit is composed of dedicated, loyal, caring, and hard working advocates. Their caseload is large and duties extensive. They should be commended for all the assistance they

provide to the community.

12. The DA Investigator's staff of hard working professional law enforcement officers are over worked, and it appears their caseload is not going to decrease. There should be an attempt through the budget process or grant funding to add an investigator to this unit. Collaboration among the various allied law enforcement agencies is recommended to ascertain if their respective departments can do more investigation follow-ups prior to the case being forwarded to the DA's office for prosecution.

13. A meeting between the DA, ADA, DDAs, DA Administrator, and the DA Investigators Unit is strongly recommended to address concerns related to all departmental policies and procedures.

14. Professional disagreements among lawyers in the handling and prosecution of plea bargains in criminal cases are inevitable. An open atmosphere of discussion between the DDAs and the ADA is essential in these professional disagreements. All parties must freely share the reason for their opinions. There will be situations when personalities enter the picture. However, the DA and ADA shall always have the final say in these matters.

15. Some DDAs characterize the DA's management of this office as "rudderless." The DA is not perceived as being a micro-manager. His management style allows the attorneys to handle their respective cases with full confidence in their abilities. It is recommended that the DA address perceptions regarding his management style with the DDAs and ADA.

16. The relationship between the DDAs and the CAO and BOS has severely demoralized the unit. The perception that the CAO continually refuses to "bargain in good faith" has contributed to low morale. Some of the DDAs sense that the BOS does not recognize the efforts this unit puts forth which further contributes to low morale. These issues must be resolved to ensure that the County retains quality attorneys. It is strongly recommended this unit and the CAO work together in developing a reasonable fiscal package. The BOS needs to become involved to assure an amicable resolution.

17. The DAA is subject to being called from his residence to assist on certain criminal investigations. Time can be of the essence in the proper handling of these cases. Requiring the DAA to drive to Yreka

to pick up a county vehicle does not appear fair or practical with response time a factor. The Auditor should review with all agencies the daily charge regarding driving a county vehicle home on call.

18. A better working relationship between the DA's office, the Auditor and the CAO will benefit this Department and the County. Every attempt should be made to resolve existing differences.

19. The DA's office deserves the complete faith and support of the BOS. Representatives of the Board and DA's office should meet and discuss mutual concerns.

20. Open and free communication among all of the units and supervisors within this department is recommended and will be beneficial to their daily operations.

#### **IV. RESPONSE:**

The DA is requested to respond to this Grand Jury report as per 933.05(a) PC.

The Auditor and CAO are requested to respond to this Grand Jury report as per 933.05 PC.

The BOS is requested to respond to this Grand Jury report as per 933.05 PC.

## **DEADWOOD CONSERVATION CAMP**

**BACKGROUND:** The Siskiyou County Grand Jury is mandated to report on the operations and conditions of all prisons within the County annually as per section 919 (B) of the Penal Code. On March 18<sup>th</sup>, 2004, an ad hoc committee of eight Grand Jurors conducted an inspection of the Deadwood Conservation Camp.

### **FINDINGS:**

1. The Deadwood Conservation Camp was opened June 1, 1962. The California Department of Corrections (CDC) and the California Department of Forestry and Fire Protection (CDF) jointly operate the Camp. The primary mission of the camp is to provide inmate fire crews for fire suppression, principally in the Siskiyou County area. In addition to fire suppression, inmate hand crews provide a work force for floods, conservation projects, and community services. Projects in the camp include a CDF vehicle shop where inmates restore State, Federal, and Volunteer Fire Department vehicles, and a CDF wood shop where inmates build cabinets for State, Federal, and local government entities.
2. The CDC is responsible for the selection, supervision, care, and discipline of the inmates. The CDF maintains the camp, supervises the work of the inmate fire crews, and is responsible for the custody of inmates on their CDF project activities. CDC staff may accompany the crews to provide for security and care of the inmates while they are away from the camp on fires, floods, or other emergency assignments. The inmates must have around-the-clock supervision while on projects and during emergency incident assignments.
3. Deadwood Camp is located in Siskiyou County, five miles north of Fort Jones, California. CDC assigns a staff of six Correctional Officers, one Correctional Sergeant, and one Correctional Lieutenant, who is the Camp Commander. Eight Fire Crew Captains, one Heavy Fire Equipment Operator, one Stationary Engineer, and one Assistant Chief, known as the CDF Division Chief, is the assigned on-site CDF staff.
4. The designed capacity of the camp is eighty minimum-custody, male, convicted felons. This



represents four 17-man fire crews. The remaining inmates serve as cooks, clerks, landscapers, porters, camp maintenance workers, and skilled shop workers.

5. The inmates committed to the CDC are selected by a sophisticated classification system, trained at the California Correctional Center near Susanville, and assigned to the Deadwood Conservation Camp. On average, inmates in camps are serving the remaining eight months of two-year sentences. Inmates selected cannot have a record of any sex-related offenses, murder, escape, arson, or have a history of violent crimes. Most of the inmates are serving time for alcohol, drug, or property crimes.

6. Inmates are paid for their work. The majority of the inmates are laborers who receive \$1.45 per day for their work. Skilled inmates may earn up to \$2.56 per day. Skilled inmates include mechanics, clerks, plumbers, welders, carpenters and electricians. The lead cook, if qualified, may earn up to \$3.90 per day. While assigned to fighting fires or working on other declared emergencies, inmates may earn \$1.00 per hour. Inmates may purchase items such as cosmetics, correspondence materials and snacks from the Camp Canteen. Inmates retain their earnings in an inmate trust fund to assist their families, or for their use upon release to parole. Inmates, during their leisure time, may participate in hobby craft, softball, basketball, horseshoes, reading or other activities. Community volunteers provide spiritual services. Public donations to the inmate recreation fund are welcomed by staff and may include such items as puzzles, board games or magazine subscriptions, etc. To make such a donation, one may contact the CDC staff.

7. Inmates quickly learn that life at a conservation camp is more desirable than serving time behind the walls of a prison. Their work activities and efforts during emergencies build a strong work ethic, and a feeling of self-worth. These activities prepare the inmates for release back into their communities.

8. Inmates at the camp live in open dormitories with a dining hall that is staffed with inmate cooks and supervised by CDC staff. CDC staff provides around the clock, seven-day a week supervision of the inmates while in camp.

9. The Deadwood Conservation Camp inmates collectively spend thousands of hours annually in fire

fighting-related activities, and thousands of additional hours performing conservation and public service projects for state and federal departments in the local area. The local governmental organizations (County, City, Schools etc.) receive many thousands of hours of labor annually. The inmate fire crews also respond to floods and have been utilized to shovel fire hydrants out during heavy snowfall in Siskiyou County. Over the last seven years, inmates of this camp performed thousands of hours of work in flood control for the benefit of Siskiyou County. It has been estimated that inmate fire crews save the California taxpayers over \$1.4 million dollars in labor costs in an average year.

10. The Deadwood Conservation Camp provides further economical benefits through local vendor purchases. Annually approximately \$140 thousand dollars is spent on goods and services purchased from local vendors. The payroll to staff that resides in the Yreka and Fort Jones areas are in excess of \$1 million dollars annually. CDC camp staff members are involved as volunteers in community services including school activities, youth sports, charitable organizations, churches, etc.

11. The camp is very well organized and maintained. The Grand Jury was impressed.

## **CONCLUSIONS:**

1. The Deadwood Conservation Camp is an extremely valuable part of the infrastructure of Siskiyou County. Besides the obvious value of fire protection, the inmates accomplish many additional good works for the County. Additionally, the facility provides employment for staff that lives locally and spends money within the community. The County is fortunate to have such a facility as the Deadwood Conservation Camp located within its borders and should do everything within its power to assure that it remains here.

## **RESPONSE REQUIRED:**

None.

## **HAMMOND RANCH FIRE AND EMERGENCY RESPONSE ZONE**

### **BACKGROUND**

The 2002/2003 Siskiyou County Grand Jury received complaints concerning the Hammond Ranch Fire and Emergency Response Zone and the contract between Siskiyou County and the “Hammond Ranch Fire Company”. The complaints listed the following concerns:

1. Lack of County and Fire Company accountability for taxpayers’ funds.
2. Inability of taxpayers to be involved in the decision-making process pertaining to utilization of the funds.
3. Inability of the Fire Company or the Zone to provide adequate fire protection service when fire personnel and equipment are taken out of the zone during peak fire season to fight fires outside of Siskiyou County.
4. Inadequate training of firefighters within the Zone.

After conducting an investigation last years (2002/2003) Grand Jury made the following recommendations:

1. A publicly elected Board should be established in the Zone.
2. An inventory should be made of assets within the Zone. The inventory should distinguish between assets of the Zone and the “Fire Company”.
3. Any future County contracts for fire protection services within the Zone should require full public accountability for the finances, training and fire protection services in the Zone.
4. Volunteer firefighters and fire-fighting equipment in the Zone should fulfill local mutual aid agreements but should not be allowed to leave Siskiyou County.
5. The 2003/2004 Grand Jury should continue to look into the Hammond Ranch Fire and Emergency Response Zone contractual agreement and operations.

The Siskiyou County Board of Supervisors (BOS) responded to the Grand Jury report and noted that the citizenry of Hammond Ranch Zone must ultimately determine whether or not to have a publicly

elected board. The BOS outlined procedures to follow if the Zone chose to go in that direction. The BOS also reported that a contract signed between the County and the Hammond Ranch Fire Company on August 12, 2003 provided for completion of an inventory that would be reviewed and verified by the County. The BOS further indicated that the contract described above would adequately satisfy the Grand Jury's recommendation of public accountability and oversight regarding taxpayer funds and training issues within the Zone. The BOS clarified for the Grand Jury the role of fire department mutual aid agreements and how they function, indicating that the system has worked well and will continue to do so with the cooperation of fire services. The BOS, in its response, also pointed out to the Grand Jury that many fire departments within Siskiyou County are plagued with issues relating to adequate funding, response and recruitment.

The BOS commended the dedicated members of the Hammond Ranch Fire Department for their tireless volunteer efforts and registered their hope that this fire department would not be singled out for imposition of standards higher than other volunteer fire departments within the County. The Grand Jury concurs in this assessment of these dedicated volunteers.

The BOS also noted that public meetings would be instituted in the Zone with a member of the Board of Supervisors facilitating, in order to gain citizen input and provide a public forum for citizen complaints. At that time one meeting had already been held. The BOS further observed that most issues identified by the 2002/2003 Grand Jury are being addressed at these meetings.

The Board of Supervisors also encouraged the 2003/2004 Grand Jury to look at Hammond Ranch Fire Company in the context of determining whether or not it conforms to a model of other taxpayer funded volunteer departments in the County.

Based on the recommendations of the previous Grand Jury, the 2003/2004 Grand Jury continued to look into the contractual arrangements between the County and the Fire Company as well as the finances of the Hammond Ranch Fire Company.

Early in 2004, however, the Fire Company retained an attorney and filed an action against the Grand

Jury to “quash” some subpoenas we had requested in order to proceed with our review of finances related to fire fighting in the Zone. The Grand Jury investigation is now suspended and awaits a ruling of the court. In the meantime, numerous letters to the editor have appeared in local newspapers attacking the Grand Jury. Some of the letters contained misinformation that the Grand Jury chose not to refute while the court case is still pending. The Grand Jury believes the attacks were done in a deliberate attempt to intimidate members of the Grand Jury.

**FINDINGS:**

1. The 2003/2004 Grand Jury is within its purview in following up on concerns remaining from the previous Grand Jury relating to public accountability of taxpayer generated funding of Fire Companies.
2. The Court system will ultimately decide if the Grand Jury can access the information sought in order to resolve the matter.
3. The Grand Jury system enjoys a long history and tradition in the United States. Grand Juries have historically been public “watch dogs”, often providing a glimpse into how public funds are managed or mismanaged by those receiving them. For members of the public to remain informed, Grand Jurors must be free to do the job they are, by law, mandated to do.
4. The 2003/2004 Siskiyou County Grand Jury has not been intimidated or deterred from its business.

**RECOMMENDATIONS:**

Should the Courts rule that the Grand Jury is entitled to access documents relating to contracts and finances of Fire Companies, the 2003/2004 Grand jury shall recommend that the 2004/2005 Grand Jury proceed.

## **WATCHDOG: SCHOOLS**

### **BACKGROUND:**

One of the ongoing responsibilities of the Grand Jury is the monitoring of public schools. Generally, this involves a visit by the Jury's Health, Education and Welfare Committee (HEW) to the County Office of Education and a sampling of schools.

A general overview of each sample school is undertaken with respect to the results of State inspections, student populations, and testing results.

A complaint filed with the Jury steered the focus of this year's "watchdog" activity toward a concern with a problem-prone climate at one school (Butteville Elementary) and an attempt to identify its causes. Among those interviewed were certificated teachers, other classified staff, administration, parents, and all school board members. With respect to the School Board, we were particularly interested in learning 1) whether or not the Board members were aware of the complaint and the issues it raised, and 2) how they function as a Board generally, and in relation to these specific issues.

### **OBSERVATIONS:**

1) The consensus of those we interviewed was that as recently as five years ago, this particular school had a good reputation among County educators. Scores were high; relationships among students, teachers, parents, and administrators were positive and constructive.

2) The County Office of Education was not aware of the complaint submitted to the Grand Jury. We were informed that while the County Office is sometimes helpful in developing information for, and otherwise supporting local schools, they are not the designated problem-solver or policy-maker; that responsibility falls to the local school board.

3) Every school must have a Board, representing the local community. Board responsibilities include:

A) Establishing a vision for the school, B) Maintaining an effective and efficient structure for the school

district, C) Ensuring accountability to the public, D) Providing community leadership. In summary, according to the California School Boards Association, "As the only locally elected officials chosen to represent the interests of school children, board members have a responsibility to speak out on behalf of the children in their community. The "No Child Left Behind" legislation requires that each school set goals for improvement in test scores. A consequence of failing to meet such goals is a reduction in funding. Schools that achieve goals are rewarded with additional funds.

4) Certain length-of-employment standards govern granting of tenure. As we understand it, a duration of at least two years and one day, at some minimum FTE (full time equivalent) meets the requirement for tenure in this school. Tenure must be established at each school at which a teacher is employed. Tenure, in other words, does not "travel" with the experienced teacher.

5) Average Daily Attendance (ADA) is the basis for each school's budget, since every student generates income at a set rate. The rate is higher for secondary schools, but averages about \$5,000 per student, per annum, across the public school system.

## **FINDINGS:**

1) Incidents spurring the complaint spanned a period of four to five years, roughly coinciding with the term of the Administrator. Those we interviewed, both past and present employees, generally felt that this administrator was the source of a school climate described as chaotic, punitive, and negative.

2) Teachers and other staff who were no longer employed by this school told a uniform story regarding experience with this Administrator who was perceived as uncommunicative, unavailable, volatile and retaliatory. We found currently employed staff reluctant to speak for fear of retaliation, lending credibility to that allegation.

3) Those interviewed also alleged that there were multiple instances of the Administrator's failure to

follow written policies. Specific examples included:

- A) A unilateral grade change for one student, from D to B, in spite of the concerned teacher's protest. It is our understanding that the signature of a teacher is required on a grade report. That teacher refused to legitimize the report with a signature. Others present at the time were dismayed that a time-honored prerogative, and one they considered critical in maintaining classroom standards, was usurped by an administrator (apparently at the request of a parent wanting to assure sports eligibility).
  - B) The rights and responsibilities of a duly formed hiring committee were similarly usurped by the Administrator, who unilaterally hired a candidate who failed to submit an application within the specified time frame and was never interviewed by the hiring committee.
  - C) Routine evaluations of staff are held to be one important responsibility of administration. Such evaluations aid in setting goals for individual staff members and for the staff as a whole. Any deficiencies are identified and expectations made clear. It is a standard practice to provide a written report of this evaluation, which is then signed by both parties, each of whom retains a copy. Complainants relayed their frustration with the fact that evaluations were seldom completed or documented.
  - D) The Administrator's failure to complete the terms of a grant awarded for a specific purpose concerned several of those interviewed. When staff raised concerns regarding compliance, the Administrator's response was so unexpectedly loud and aggressive that though staff remained concerned, it was not mentioned again.
- 4) Several parents and five staff members were witnesses to incidents involving the Administrator's belligerence (raised voice and fist, lunging toward the speaker). In one case, the speaker was a member



of the audience at a board meeting, and in another, a teacher, when children were present. This behavior was perceived as inappropriate, and in the latter case, bizarre, in that the reason for the outburst was never made clear.

5) The Administrator's effort to solicit students from outside the district in order to increase Average Daily Attendance resulted in a rapid escalation of the student body from 80 to 110, with at-risk children a disproportionate share of the increase. Simple shelter and sustenance needs were not met in some cases. Staff was alarmed to discover that two students were living in cardboard boxes. A greater range of student needs and abilities along with commensurate lower test scores and behavioral problems challenged existing resources. Classroom Aides were dismissed in spite of the growing need for additional classroom support.

6) In a related area of controversy, teachers expressed a hope that a "Remediation Plan" would be developed that would bring additional resources to bear in addressing an increase in discipline problems and the needs of students who were significantly behind district norms at matriculation. The Administrator's response was a proposal that teachers add several hours after school/and or on Saturdays to their current schedules. Teachers felt that the Administrator's isolation prevented understanding of their already existing schedules, duties and time frames. The Administrator, on the other hand, expressed his dismay at finding teachers generally unwilling to pick up adjunct duties. Several teachers who had resigned in the last three years cited a growing number of adjunct duties as the principal reason. These same teachers felt that if they did not shoulder the additional tasks, however unreasonable or burdensome in their view, they would in any case be terminated. By way of validating that expectation, they pointed to the fact that sixteen (16) staff members had left the school in the last four years, many of them having been terminated. (One of the resigning teachers charged that assignment of adjunct duties significantly exceeded contract provisions and did win compensation in a settlement.)

7) Another discernible staffing pattern relates to tenure, illustrated in the case of a teacher with 16 years experience. This teacher had a two-grade classroom, with a wide range of abilities within each grade. First, two Aides were dismissed from this classroom. Then the teacher was discharged with no warning despite a history of positive comments about work performance from the Administrator. Two inexperienced teachers were then hired. The reasons were clearly fiscal. The State had instituted a program of financial incentive to those schools hiring beginning teachers at a salary level of at least \$34,000. Ten thousand dollars of each such teacher's salary was paid by the State.

8) Several other teachers were terminated just prior to gaining tenure with no warning or rationale provided.

9) Board members had not solicited discussion with staff and were surprised to hear of the concerns that had been smoldering for a period of at least four years. While both parents and teachers had written letters to the Board, these concerns were not explored. We believe there is a tendency to see complainants as exceptions and potential troublemakers. Unfortunately, staff in fear of reprisal is reluctant to step forward in support of those who raise concerns. This lack of open communication ensured that the Board did not see the pattern.

10) We asked the Board about the procedures followed in the hire of the chief administrator and were advised by those who were there at the time that a phone call had been made to the place of previous employment. That reference was positive. We made our own inquiries as a check on the standard of due diligence and learned from the previous direct supervisor, that this Administrator had been asked to resign within three months of hire for many of the same reasons now voiced by the complainants. This source stated that the Administrator had refused to perform in accord with the job description, did not interact with staff as was required by duties, and behavior was sometimes aggressive and "bizarre."

11) In our interview with the Administrator, we were impressed with his reluctance to accept how

others perceived him. The disconnect is not surprising, however, in view of his ongoing lack of contact/conversation/relationship with staff. His isolation is in fact buttressed by the fact that his office is across a large concrete expanse from the school itself.

12) Administrator's response to staff allegations was uniform denial.

### **CONCLUSIONS:**

1) Two general failures on the part of the Administrator encompass most, if not all, of the issues surfaced in this investigation:

A) A disinclination to engage with staff in a supportive or leadership role, or in problem resolution.

In this environment, problems cannot be prevented or addressed in a timely manner. Chaos and resentment are nurtured.

B) A lack of any concern for fairness evidenced by granting of grades not earned (while other students are held to a standard), failing to provide documented evaluations which could rationally support actions later taken, last minute dismissals of experienced and dedicated staff without warning or justification in terms of job performance, and aborting a hiring process designed to assure a level playing field to all applicants.

2) The pattern of exchanging experienced teachers for those who have little or no experience has to do with finances. This punitive response to teachers with more experience is counter to standard practice in the workplace where experience is rewarded. It may also be a short-sighted tactic given the need to improve test scores or sustain the financial consequences. Experienced teachers with appropriate assistance are more likely to achieve test score objectives and related financial benefits. Veteran teachers admit that it takes about six years to bring all one's skills to bear in the classroom. There should also be a concern for the welfare of the student.

3) Failure to document, as in the case of evaluations, is sometimes practiced as a means of avoiding a paper trail, which might be subject to discovery in litigation. We would argue that lack of appropriate documentation is more likely to ensure vulnerability to suit and in any case, to avoid up front communication with employees is unfair at best. The failure to communicate, document, and follow prescribed practices undoubtedly contributes to the climate of apprehension and isolation described by those we interviewed.

4) With respect to the practice of releasing teachers just prior to tenure, it is true that a probationary period serves the purpose of providing a period of evaluation for both employer and employee and termination during probation is considered less problematic than would be the case with a tenured teacher. In the case of any termination, however, one would expect that a case should be made for it, beyond the simple fact that the probationary period is coming to a close. All staff members past and present that we interviewed are discomfited by the fact that they do not know where they stand, given the infrequent, undocumented evaluations. Such evaluations have little meaning when they do not relate to whether an employee is dismissed or not. Staff members feel that not knowing where they stand adds greatly to the sense of vulnerability. A board member suggested that inexperienced teachers might be easier for Administration to deal with in that they may be more malleable. If this were the motivation behind the discharging of experienced teachers in favor of those with little or no experience, one would expect that Administration would be seeking to instruct these new teachers and to assist in their success. According to those we interviewed, there is little or no interface with teachers for the purpose of instruction or assistance.

5) The grand jury was not surprised to learn that the Board had "rubber stamped" Administration. We believe that to be fairly common with respect to community boards. Busy citizens volunteer time with good intentions, but often feel a lack of background or expertise in certain areas and are disinclined to argue with a day-to-day administrator.

6) We are cognizant of the difficulties in today's litigious environment with respect to verifying previous experience of an applicant. We suspect, too, that information offered to a Grand Jury may not have been available to others.

7) Difficulties at this school might have been addressed very early on, or even prevented, had a more constructive and civil atmosphere prevailed.

**RECOMMENDATIONS:**

1) It is recommended that the Board, as that entity with the duty and authority to act, solicit ongoing, direct communication with staff, individually and together. Teachers should select one of their number to be a Board Advisor, and/or a staff grievance committee with a representative to the Board should be considered. Other schools may be a source of ideas for structures that assure that the Board has an ongoing sense of how things are going, and a means of evaluating the chief administrator.

2) The Grand jury has asked County Counsel to help develop some materials that would help guide those who are charged with the review of candidates for employment. We hope that next year's Jury will summarize this material and make it available to school boards as well as continue to monitor this particular school.

3) Isolation, belligerence, and unfairness combined to make the problems. It is suggested that openness, civility, and fairness might be an antidote.

**COMMENDATIONS:**

We were impressed with the past and present staff members of this school. There was in every case, a first concern with the welfare of the school as a whole and its student body. We must also commend Board Members who share that same over-riding concern.

**RESPONSE:**

None required.

## **SISKIYOU COUNTY JAIL**

### **BACKGROUND:**

The California Penal code, Section 919 (b), requires the Grand Jury of each county within California to annually inquire into the conditions and management of all “public prisons” within the county. The Siskiyou County Grand Jury visited the Siskiyou County Jail on January 29, 2004.

The tour was conducted by the Captain in charge of the facility and assisted by the senior Lieutenant on staff. Additionally, the Siskiyou County Sheriff joined the Jury for an informal question and answer session after the tour.

During the tour we first visited the booking/receiving area of the jail, known as “intake”. We were then guided through the jail’s laundry, kitchen facilities, commissary, nurse’s station, library, and the housing areas for both male and female prisoners. Also, the jail staff’s Cell Extraction Team demonstrated techniques utilized in dealing with unruly prisoners.

One thing that this year’s Grand Jury asked for was the opportunity to converse with several inmates as well as the staff. We were afforded an opportunity to speak with several inmates, chosen by us at random, during our inspection of the housing units.

After the tour was concluded, we shared lunch with the Sheriff and the jail staff. At our request, we were served the same food the inmates receive.

### **FINDINGS:**

1. The Grand Jury found the jail to be clean and well maintained. Some members of the Jury are former law enforcement officers with experience in jails in other counties. The consensus among the jurors was this jail not only looks clean, but it smells clean.
2. The extensive control/monitoring system was upgraded within the past year. All doors within the facility are monitored from a central control room with all areas under video surveillance. The contractor who installed the system had cost over runs. The County had to take action to recover funds

for this project, and did so, successfully recovering approximately \$50,000.00 for the County.

3. When the jail was built in 1988, it contained sixty-four beds. It now has beds to house one hundred and four inmates. With establishment of a calendar system and by coordinating with judges, over crowding has been eliminated as a problem.

4. There are approximately fifty uniformed correctional staff and twenty support staff employed in the operation of the jail, spread over twenty-four hour days, three hundred and sixty-five days per year. Creative scheduling, such as twelve-hour shifts, has been employed to ensure that coverage and officer and inmate safety are not compromised.

5. Pay and benefits for correctional staff are currently lagging well behind the pay and benefits package of other members within the law enforcement community.

6. The jail staff treats inmates as persons and does not dehumanize anyone. The philosophy is that it is difficult enough to lose freedom. Respectful treatment is returned in kind. Order is kept, in general, with such measures as loss of privileges. Few incidents occur considering that the facility is almost filled to capacity. All inmates observed seemed to be in good spirits.

7. The several inmates we spoke to had positive comments about their treatment by the staff, the food and all else. In fact, one remarked that this jail is better than all the other jails in which this person had previously been incarcerated

8. If an inmate has a grievance with anything involving the operation, they have an opportunity to complain through a grievance form that is ultimately reviewed by the Jail Commander.

9. Last year's Grand Jury had a recommendation about a "secure room" for inmates taken to Fairchild Medical Center for treatment. The Jail management has no control over how a private facility, such as Fairchild, conducts its business. Meetings have been held and this has still not been rectified. This year's Grand Jury still believes that such a room should be a priority item for the safety of hospital staff, the public, officers, and the inmate.

10. Some inmates who have learned cooking skills in the jail kitchen have been able to gain outside

employment upon release from this facility. This is the only job training the jail can currently offer inmates.

**CONCLUSIONS:**

1. The Siskiyou County Jail is a very well run facility.
2. Employee morale is currently good. However, as Correctional Officer pay and benefits continue to lag behind other law enforcement agencies within the County that could very well change.
3. Staffing at this facility is at an absolute minimum considering their responsibilities, which are the safety and well being of all inmates and staff on a twenty-four hour basis. Creativity in scheduling can only go so far.

**COMMENDATIONS:**

1. The entire jail staff is commended by the Grand Jury for the professionalism it exhibits in a very trying job.

**RECOMMENDATIONS:**

1. Continue meeting with Fairchild Medical Center in an attempt to obtain a secure room for inmate prisoners needing medical attention.
2. Address the inequity in pay/benefits for Correctional Staff.
3. Maintain adequate jail staffing levels currently at an absolute minimum.

**RESPONSE REQUESTED:**

1. The Board of Supervisors is requested to respond per 933.05 (a) PC.
2. The Siskiyou County Sheriff is invited to respond per 933.05 PC.



## **SISKIYOU COUNTY JUVENILE HALL**

### **BACKGROUND:**

On February 24, 2004 the Siskiyou County Grand Jury sent an ad hoc committee of seven members to inspect the operations of the Juvenile Hall as required by Penal Code Section 919 (b). We met with the County's Chief Probation Officer to gather input and were given an approximate two-hour tour of the facility by staff.

### **FINDINGS:**

1. The County Probation Office, including Juvenile Hall operations, is funded out of the County Budget General Fund and grants.
2. The budget for this fiscal year is approximately \$1,500,000.00.
3. The Probation Department has a staff of thirty-six persons, seventeen of which are Adult and/or juvenile case Probation Officers.
4. There is a program called Temporary Assistance to Needy Families (TANF), funded by the State of California and managed by the Department. TANF funds pay the salaries of two Probation Officers referred to as "Challenge Staff". These employees provide a wide range of services to needy families with children within the Juvenile Justice system. The State may be eliminating this program due to budget deficits. Without State funding these positions would have to be eliminated.
5. The budget for this Department has already been cut to the maximum. Staff is doing such things as double side copying of documents, doing some janitorial work, limiting travel, lowering thermostats, and turning off lights in an effort to save the County money. The Grand Jury believes that further loss of employees in this Department would not be in the best interest of the people of Siskiyou County or the clientele served by the Department.

6. A group home within this County would be an asset to the Juvenile Probation Department as well as reduce out of area travel by employees and shuffling around of children within the system. The idea of a group home has come up with other Grand Juries and during at least two of our inquiries during this term.
7. There is a need at the Juvenile Hall for citizen volunteers to assist the school staff and the children with physical education, mentoring, etc. Volunteers from the community would be welcome and are encouraged by the staff and the Grand Jury to come forward.
8. The facility is antiquated and crowded. Although the staff has obviously made every effort to make it attractive and pleasant, it is a depressing place to work and within which to be incarcerated.
9. There has been grant money in place in the amount of approximately \$3,900,000.00 to construct a new Juvenile Hall and Juvenile Justice Facility. This project, which was to replace the outdated current facility, was scheduled to have been completed by September of 2004. Due to a myriad of problems and site changes that date will not be met. Each site change costs the County over \$24,000.00. To date with the two site changes there has been a cost to the County of approximately \$50,000.00.
10. There is a new start date for the new facility of June 1, 2004, with a completion date of December 30, 2005. This process is subject to an Environmental Assessment ongoing as of this date (February 25, 2004).
11. The Grand Jury found the Juvenile Hall to be clean and well managed.
12. There is a small divot on the concrete floor of the gymnasium at the facility. This could cause a child to trip or twist an ankle. The Juvenile Hall Manager assured the Grand Jury that this defect would be patched ASAP. We appreciated the quick response.
13. With the anticipated opening of the new facility, there will be a need for an additional six and three-quarter staff positions, due primarily to State Board of Prison requirements and the fact that the new facility will be built to house up to forty wards rather than the current twenty-four maximum at the existing facility.

14. With the possibility of the State TANF cuts and with the additional employees required to be on staff and trained by the opening of the new facility, this Department will be short nearly nine employees by December of 2005 if steps are not taken to preserve existing positions and have the new hires in place on time.

15. The Grand Jury, as did last year's Grand Jury, believes that an "on site" Juvenile Court should be included in the planning and construction of the new facility.

#### **CONCLUSIONS:**

1. The Juvenile Hall is an antiquated, but well run facility staffed by dedicated, overworked employees.

#### **RECOMMENDATIONS:**

1. It is imperative that there be no further delay in opening the new Juvenile Hall facility, for the sake of the wards of the Juvenile Court and their families as well as for the greater good of the citizens of this County.

2. Measures should be taken well in advance of the opening of the new facility so that required staffing levels are met commensurate with the completion of the new facility. It should when finished be a "turn key" operation that will serve the County well for many years into the future.

#### **RESPONSE REQUESTED:**

The CAO is invited to respond to this report as per 933.05 (a) PC.

## **COMPLAINT: TOURISM BUREAU**

### **Background:**

A citizen of Siskiyou County had a tourist-related business. The Director of the Siskiyou County Tourism Bureau and family has the same type of tourism business. The director of the Tourism Bureau has a yearly contract with Siskiyou County.

### **Complaint:**

The citizen had the following complaints:

1. Conflict of interest-

There is no way the County would know if the Director of the Tourism Bureau is paying for ads in the tourism magazine and if there is a bias against complainant's business, (people are being referred to Director's business instead of complainant's, based on a friend's phone call to the Tourism Bureau).

2. The Tourism Bureau is not using local businesses to produce the tourism magazine.

3. The Contract should be open to all qualified persons and preferably, not to anyone that has a tourism business in Siskiyou County.

### **Findings:**

1. Conflict of Interest-

As stated in the contract, both parties (Siskiyou County and Director of Tourism Bureau) acknowledge that the contractor has a business in Siskiyou County that is dependent on tourism. That by itself does not put the contractor in violation of the Conflict of Interest clause in the contract.

We have found no evidence that the Director provided unpaid advertising space or other services to their business for which a fee would normally be paid. The complainant did not furnish any such evidence. The County has not received any complaints regarding the Tourism Bureau. As far as the County is concerned, the Director is doing a very good job. The Director submits a report to the county each month, outlining everything the Tourism Bureau has done, including a phone record and expense account sheet.

As for the Tourism Bureau directing inquiries to the Director's business instead of the complainant's, we found no evidence to support such an assertion.

2. The Tourism Bureau not using local businesses to produce the Tourism Magazine-

It appears that the Bureau uses local businesses whenever possible, but there is no local business in Siskiyou County that could print the Tourism Magazine.

3. Open contract-

The County has been giving the contract to the Director each year and has been doing so since 1998. The County has been happy with the work, but plans next year to open the contract and place a "Request for Proposal" advertisement prior to awarding the contract.

**Conclusions:**

There was no evidence of a conflict of interest or preferential treatment towards Director's business over the complainant's business. The Director is utilizing local businesses when possible. The Tourism Bureau contract was not open to the general public.

**Recommendation:**

1. In the future, Siskiyou County should offer this contract to all qualified persons by advertising for a "Request for Proposal" before contracting.

**Response required:** None.

## **WATCHDOG: WEED POLICE DEPARTMENT**

### **BACKGROUND**

The Grand Jury, in accordance with Penal Code Section 925 (a) conducted a watchdog investigation of the Weed Police Department during January 2004. Over a three-day period, the Grand Jury toured the facility and conducted interviews within the Department.

### **A: THE POLICE CHIEF**

The Chief of Police was first employed by the City of Weed in 1975 as a reserve officer and worked his way through the ranks to become Chief of Police in 1997. The duties of the Chief, who reports to the City Administrator, include administration and budgetary aspects of the Department.

### **B: LIEUTENANT**

The Lieutenant has risen from the rank of officer. He has held this position for two years and is second in command. His duties include direct supervision and instruction of officers and Sergeants and making shift assignments.

### **C: SERGEANTS**

There are two sergeants in the Department. Their job is to supervise police officers on assigned shifts.

### **D: OFFICERS**

There are six officers, whose duties include response to calls, enforcement of laws, protecting the rights of citizens and maintaining public safety. Police officers serve in patrol, traffic and crime prevention. One is assigned to the narcotics Task Force.

### **E: RESERVE OFFICERS**

There are three reserve officers in the Department who perform many duties handled by full time

sworn police officers. Reserve officers work along side police officers in every aspect of Department operations.

#### **F: CLERK**

There is one clerk who has been there for several years, having started as a dispatcher. The duties of the clerk include typing forms, reports and correspondence. The clerk also fills in as a dispatcher.

#### **G: DISPATCHERS**

There are five dispatchers, four full time and one part time. Their duties include receiving, evaluating, and transmitting telephone and radio calls, and apprising the supervisor of general activities and emergency calls. A Dispatcher may act as a receptionist or clerk if needed.

#### **H: COMMUNITY SERVICE OFFICERS**

There are three Community Service Officers whose duties generally include serving the community, doing animal control, and assisting Weed Police Officers.

#### **FINDINGS:**

1. The Department is one of the lowest paid in the County, resulting in a large turn over in officers. Officers trained by Weed PD transfer to other departments offering higher pay.
2. The Department is housed in an antiquated building. The front door locking system is worn. The roof leaks.
3. The front office has large, old non safety glazed windows.
4. The long corridor going to City Hall is not visible from the dispatcher's station.
5. The curb in front of the Department is hazardous when wet or icy.
6. A good rapport was perceived between the Chief and staff employees.
7. Existing security and surveillance systems were functioning properly.
8. The work areas are clean, well maintained, and properly managed.
9. All emergency and training manuals are routinely updated.

**CONCLUSIONS/RECOMMENDATIONS:**

1. A new facility is needed. The City of Weed should explore relocating to a more secure and modern location.
2. The front door lock, roof, and front windows should be repaired or replaced.
3. Officer turnover would be reduced if a competitive pay scale were offered.
4. The curb in front of the Department should be resurfaced with non-skid material.
5. A security door and surveillance camera should be installed in the hall leading to City Hall.

**RESPONSE REQUESTED:**

The Weed City Council is requested to respond to this report per 933.05 (a) PC.



## **GRAND JURY FUNDING/TRAINING**

### **BACKGROUND:**

The Grand Jury (GJ) determined that an investigation into Grand Jury funding in Siskiyou County is warranted. The reason the GJ undertook this project is to determine how the County's GJ funding compares to like-sized counties within the state and to assist future GJs in doing their work. Last year's GJ ran out of budget money near the end of its term. The present GJ has been counseled about the budget several times during this term and admonished to avoid a budget over-run. For reasons we believe are beyond our control, it is a certainty that this Grand Jury will over-run its budget prior to the end of its term.

During this term, County Ordinance 2-5.16 of Title 2, Chapter 5, relating to both trial jury and GJ funding was amended. This ordinance was amended because of budgetary concerns relating to the County operations as a whole, not necessarily the GJ. However, the initial proposal made to the Board of Supervisors (BOS) caused the GJ great concern. If passed as initially proposed, members felt that the GJ would have effectively been unable to do its work. The initial proposal for the amended ordinance called for the removal of paying mileage to trial and GJ members, as well as restricting GJ members to reimbursement for only one monthly meeting.

### **FINDINGS:**

1. The Trial Court Funding Act of 1997 effectively put all court operations within California under state jurisdiction for issues involving funding, thus removing counties from the burden of funding court operations.
2. The Trial Court Funding Act and California Rules of Court #810 (b) (6) for unknown reasons, do not specifically allow for state funding of Grand Juries within the counties.
3. The California Penal Code, Sec. 890, requires counties to pay GJ members \$15.00 per diem for each meeting attended. Siskiyou County had been in violation of this state law by paying

\$10.00 per diem per meeting.

4. All California counties are required under state law to have a Grand Jury.
5. Counties, including Siskiyou County, fund GJ operations out of the General Fund.
6. Grand Juries cannot effectively operate without conducting investigations which are initiated from the citizenry and other sources. Additionally, GJ are required under state law to inquire of the conditions of “prisons” within the County and report findings. They are also required to act as a “watchdog” over county government operations and to issue a report to the people at term’s end through the Presiding Judge of the County.
7. In order to accomplish all this and more, GJ work is conducted via committee meetings. Such committee meetings, resulting investigations, and reports form the bulk of the workload within a grand jury’s term.
8. There are two ways to accomplish this work. One is to hold numerous meetings and call people before the GJ as a body or a Committee of the GJ. The other way is to travel as a committee or sub-committee to the persons being interviewed throughout the County. Most GJ, including Siskiyou County, use the committee/sub-committee method, which keeps per diem down and is more convenient to the public and less disruptive to county operations. Counties pay a mileage stipend to jurors. Siskiyou County pays thirty-seven and a half cents per mile. Jurors drive their own vehicles and pay for their own fuel.
9. The budget for the Siskiyou County GJ is \$22,171.00 per year. When one factors in a minimum of one monthly meeting, required inspections, “watchdog” on government and other investigations, this budget is inadequate. The new per diem of \$15.00 will be used up even more rapidly. There is inadequate allowance in the budget for comprehensive training of the jurors or for outside audits of departments, should the GJ see a need.
10. The GJ randomly surveyed the following twelve counties as to the dollar amount of their GJ budgets: Alpine, Amador, Butte, Modoc, Sierra, Yuba, Calaveras, Del Norte, Glenn, Inyo,

Mendocino and Plumas. The GJ threw out the results of the two smallest counties (Alpine, \$500.00; and Sierra, \$5,000.00) and the two largest (Amador, \$82,000.00+ and Mendocino, \$85,000.00+). The average GJ budget for the other eight similar sized counties was **\$33,375.00** per year. That is **\$11,000.00** more than the Siskiyou County GJ budget.

11. Modoc County just increased its GJ budget to \$18,000.00 from \$6,781.00 and Yuba County increased its GJ budget to \$29,700.00 from \$20,817.00, primarily because of these same issues.

12. This Siskiyou County GJ believes that the training for new grand jurors is inadequate for the job required. The GJ believes the County, particularly the County Counsel's office and the Presiding Judge and his staff do the best they can under difficult circumstances. There are resources not being utilized that could enhance professionalism. The California Grand Jurors Association (CGJA) holds training seminars for new grand jurors on a regular basis. A DVD of the essence of one of these seminars was recently made available to the Siskiyou County GJ to enhance our understanding of roles and provide training. Due to budget constraints, the GJ was authorized to purchase only three additional DVDs to add to its library. The GJ had requested eighteen so each new grand juror would have a copy to use and pass on to future jurors.

## **CONCLUSIONS:**

1. The Siskiyou County Grand Jury is under-funded, considering the magnitude of its responsibilities. Additional funding would enhance the GJ ability to offer meaningful suggestions on County issues as well as to bring in outside help when required.
2. Training of new grand jurors would be enhanced by the purchase of the most current CGJA Grand Jury training DVD. Sufficient numbers (16) should be purchased to allow grand jurors to pass the DVD along to incoming members. The DVD is complex and takes many hours to view. It is more effective when an individual can take his/her time, keeping the copy during the term to refer back to it as needed, rather than just a classroom setting.

3. The CGJA is expanding its seminars to the Redding area. Attendance at seminars such as these could enhance GJ productivity.

#### **RECOMMENDATIONS:**

1. Increase the Siskiyou County Grand Jury Budget from **\$22,171.00** to **\$35,000.00** for ensuing terms. This increase is commensurate with the expenditure for Grand Juries of like sized counties.
2. Consider sending new jurors to CGJA seminars. If it's too costly to send the entire jury, the Foreperson and Committee Chairs should attend.
3. Purchase from CGJA an adequate stock of the most current DVD on Grand Jury training.

These recommendations are no reflection on current training, which is given and received in the most professional manner currently possible. This GJ believes that both funding and training need to be enhanced for the future good of Siskiyou County.

#### **COMMENDATIONS:**

A great deal of effort in training the GJ was provided by Judge Roger Kosel; the Grand Jury Coordinator, Ms. Jan Peery; and the County Counsel's Office, particularly Frank DeMarco and Don Langford. They are all to be commended.

The GJ also commends the Board of Supervisors for listening closely then making the appropriate changes when we explained how the County Ordinance, as originally proposed, would hamper the effective operation of the Grand Jury.

#### **RESPONSE REQUESTED:**

The Board of Supervisors is requested to respond to this report as per Sec.933.05 (a) PC.

The County Administrative Officer is requested to respond to this report as per Sec. 933.05 (a) PC.